

February 6, 2006

VIA ECFS

Marlene H. Dortch, Secretary Federal Communications Commission The Portals 445 12<sup>th</sup> Street, SW Washington, DC 20554

Re: Computer Network Technology Corporation

Certification of CPNI Filing (2-6-06)

EB Docket No. 06-36

EB-06-TC-060

Dear Ms. Dortch:

Pursuant to the Public Notice issued by the Enforcement Bureau on January 30, 2006<sup>1</sup> and the Commission rules concerning telecommunications carriers' protection of the privacy of customer proprietary network information ("CPNI"),<sup>2</sup> Computer Network Technology Corporation (the "Company") submits this Compliance Statement and Certificate. Protecting the CPNI of customers is an important obligation for all telecommunications carriers and the Company has adopted various operational procedures to assure that, consistent with the Commission's rules, all of the CPNI that it holds is protected from unauthorized and illegal use, access and disclosure

As requested by the Public Notice, the undersigned, as an officer of the Company, certifies based upon personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the rules in 47 C.F.R. 64.2001 – 64.2009 (the "CPNI Rules"). The following Compliance Statement describes how the company is in compliance with the CPNI Rules.



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Enforcement Bureau Directs All Telecommunications Carriers to Submit CPNI Compliance Certifications, WC Docket No. 05-196, Public Notice, DA 06-223 (rel. Jan. 30, 2006) ("Public Notice").

<sup>&</sup>lt;sup>2</sup> 47 C.F.R. § 64.2001, et seq..

## STATEMENT OF COMPLIANCE WITH CPNI RULES

The Company, a subsidiary of McDATA Corporation, provides storage and networking solutions to businesses around the world. The Company applies its technology, products and expertise in open storage networking architecture and business continuity to help companies build end-to-end solutions for data storage. As an integral part of providing these services, the company provides private line telecommunications services to its customers.

Currently, the Company only provides one category of telecommunications service to its enterprise customers. As permitted by the CPNI rules, the Company may use CPNI (1) to bill and collect for services rendered; (2) to protect rights or property of the Company, other users or other carriers from unlawful use; (3) to provide any inbound telemarketing or administrative services for the duration of a call; (4) to provide customer premises equipment and protocol conversion; and (5) to provision inside wiring, maintenance and repair services.

The Company has elected to utilize or provide CPNI only for purposes that are permissible without customer approval in accordance with 47 C.F.R. § 64.2005. Accordingly, the Company currently does not use CPNI in a manner that requires customer approval and is not required to implement a system by which the status of a customer's CPNI approval can be established prior to the use of CPNI. In the event the Company changes its marketing efforts in a way that requires the approval of customers before using CPNI, the Company will implement policies and procedures and train employees to ensure compliance with all relevant FCC rules, including opt-in or opt-out authorizations.

The Company does not share, sell, lease and otherwise provide CPNI to any unrelated third parties for the purposes of marketing any services. Sharing, selling, leasing or otherwise providing CPNI to any unrelated third parties is strictly prohibited by the Company.

The Company tracks all instances where customers are contacted for marketing purposes and maintains records of all such contacts for at least one year. The Company has established a supervisory review process to ensure any marketing campaigns are consistent the FCC's CPNI rules. This process includes a periodic review by a Regional Sales Manager of the marketing activities of applicable Company account representatives. Currently, the Company does not use CPNI for any outbound marketing campaigns.

All Company employees who have access to CPNI are trained as to when they are and are not authorized to use CPNI. For instance, all Company employees are required to abide by the Company's Code of Conduct, which requires employees to maintain the confidentiality of all information, including customer information, that is obtained as result of their employment by the Company. Furthermore, employees are required to execute a Non-Disclosure Agreement which requires employees to maintain the confidentiality of all information obtained through their employment with the Company. Employees who violate the Company's Code of Conduct, Non-Disclosure Agreement or otherwise permit the unauthorized use or disclosure of CPNI will be subject to discipline, including possible termination.

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Respectfully submitted,

Thomas McGimpsey

President

Computer Network Technology Corporation

cc: Bryon McKoy via e-mail: <u>byron.mccoy@fcc.gov</u>
Best Copy and Printing via e-mail <u>fcc@bcpiweb.com</u>